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PTO/SB/21 (09-04)

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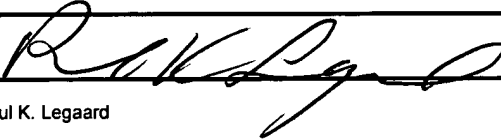
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<b>PTO TRANSMITTAL FORM</b> <b>MAR 31 2006</b> <small>(to be used for all correspondence after initial filing)</small> <b>PATENT &amp; TRADEMARK OFFICE</b>	Application Number	09/295,463
	Filing Date	April 13, 1999
	First Named Inventor	Lex M. Cowser
	Art Unit	1631
	Examiner Name	Marjorie A. Moran
Total Number of Pages in This Submission	Attorney Docket Number	ISIS0231-100 (ISIS-3455)

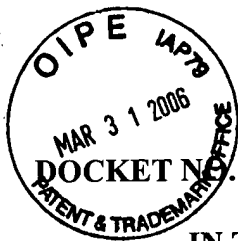
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<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Express Mail No. EV513564446US Date of Deposit: <u>March 31, 2006</u>		
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>			
Firm	Cozen O'Connor, P.C.		
Signature			
Printed Name	Paul K. Legaard		
Date	March 31, 2006	Reg. No.	38,534

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DOCKET NO.: ISIS0231-100 (ISIS-3455)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of: **Cowsert, Baker, McNeil, Freier, Sasmor, Brooks, Ohashi, Wyatt, Borchers, and Vickers**

Confirmation No: 7206

Serial No: 09/295,463

Group Art Unit: 1631

Filed: April 13, 1999

Examiner: Marjorie A. Moran

For: **Identification Of Genetic Targets For Modulation By Oligonucleotides And Generation Of Oligonucleotides For Gene Modulation**

EXPRESS MAIL INFORMATION

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DATE OF DEPOSIT: 31 MARCH 2006

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**COMMUNICATION**

The present Communication is filed in response to the Notification of Non-Compliant Appeal Brief ("Notification") dated March 2, 2006. Appellants believe the Notification was mistakenly issued.

The Notification states in paragraph 2 that the "brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims..." Appellants' Appeal Brief filed February 14, 2006, in fact, states at page 4 under the heading "Status of Claims":

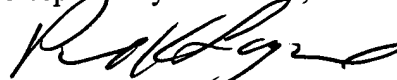
Claims 1-54, 57, 73, 77, 84, 88-98, and 103 are cancelled. Claims 55, 56, 58-72, 74-76, 78-83, 85-87, and 99-102 (i.e., all remaining claims) are pending, rejected, and now on appeal -- the appealed claims appear in the Claims Appendix.

Thus, this passage of Appellants' Appeal Brief quite clearly indicates the status of all claims (e.g., claims 1-103) as either canceled or rejected. In addition, this passage quite clearly indicates that the claims on appeal are claims 55, 56, 58-72, 74-76, 78-83, 85-87, and 99-102. Thus Appellants' Appeal Brief fully complies with 37 CFR 41.37(c)(1)(iii).

The Notification also states in paragraph 10 that the "brief contains a listing of only claims 55-56, 58-72, 74-76, 78-83, 85-87 and 99-102. There is no statement indicating the status of any other claims." As stated above, however, the status of **ALL** claims has been quite clearly pointed out in Appellants' Appeal Brief. If the Examiner is suggesting that the "Claims Appendix" listed in section VIII of the Appeal Brief must contain a listing of the non-appealed claims as well as the appealed claims, Appellants respectfully point out that MPEP 1205.02 mandates that a copy of the claims **involved** in the appeal be included in the Claims Appendix. Claims 55, 56, 58-72, 74-76, 78-83, 85-87, and 99-102 (i.e., those claims involved in the appeal) have, in fact, quite clearly been listed in the Claims Appendix.

In view of the foregoing, Appellants' Appeal Brief filed February 14, 2006 fully complies with 37 CFR 41.37. Accordingly, Appellants respectfully request that the Notification be withdrawn.

Respectfully submitted,



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Date: **31 March 2006**

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